

Regular Session, 2013

HOUSE BILL NO. 619

BY REPRESENTATIVES LEOPOLD AND ADAMS

TRANSPORTATION: Provides for the dedication of a portion of truck and trailer fees and taxes collected in certain parishes

1 AN ACT

2 To amend and reenact R.S. 47:481 and R.S. 48:196(A)(introductory paragraph), to enact
3 R.S. 47:7018.1 and R.S. 48:197.1, and to repeal R.S. 47:7018 and R.S. 48:197,
4 relative to truck and trailer registration fees and taxes; to provide for the dedication
5 of a portion of truck and trailer registration fees and taxes collected in certain
6 parishes; to create certain funds in the state treasury and to provide for such funds;
7 to provide for effectiveness; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1(A). R.S. 47:481, as amended by Act No. 865 of the 2012 Regular
10 Legislative Session, is hereby amended and reenacted to read as follows:

11 §481. Disposition of collections

12 Except as provided in R.S. 47:480, all fees and taxes provided for in this
13 Chapter, including the permit fees, shall be paid to the state treasurer on or before the
14 tenth day of each month following their collection and shall be credited to the
15 account of the Transportation Trust Fund, the State Highway Improvement Fund,
16 state highway fund No. 2, ~~and~~ the Algiers-Canal Street Ferry Fund, and State
17 Highway Fund No. 3, as provided by law.

Section 1(B)(1). R.S. 47:481, as amended by Act No. 390 of the 2011 Regular Legislative Session, is hereby amended and reenacted and R.S. 47:7018.1 is hereby enacted to read as follows:

§481. Disposition of collections

Except as provided in R.S. 47:480, all fees and taxes provided for in this Chapter, including the permit fees, shall be paid to the state treasurer on or before the tenth day of each month following their collection and shall be credited to the account of the Transportation Trust Fund, the State Highway Improvement Fund, and the state highway fund No. 2, the Algiers-Canal Street Ferry Fund, and State Highway Fund No.3, as provided by law.

* * *

(2) R.S. 47:481, as amended and reenacted by this Subsection shall supercede R.S. 47:481 as amended and reenacted by Act No. 865 of the 2012 Regular Legislative Session.

§7018.1. Algiers-Canal Street Ferry Fund; ferry operations

A. There is hereby created, as a special fund in the state treasury, the Algiers-Canal Street Ferry Fund, hereinafter referred to as the "fund". Notwithstanding any provision of law to the contrary, beginning July 1, 2013, and each fiscal year thereafter, after compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana, and after making the allocation for state highway fund No. 2, the treasurer shall deposit into the fund, all of the funds derived from the collection of registration and license fees and taxes collected by the state pursuant to R.S. 47:462, and as provided in R.S. 47:481, in the parish of Orleans.

B. The monies in the fund shall be subject to an annual appropriation by the legislature and shall be used only as provided in Subsection C of this Section. The monies in the fund shall be invested by the treasurer in the same manner as the monies in the state general fund, and all interest earned shall be deposited and credited to the fund. All unexpended or unencumbered monies remaining in the fund at the end of the fiscal year shall remain to the credit of the fund.

1 C. Monies appropriated from the fund shall be used exclusively by the
2 Department of Transportation and Development to fund operations of the Algiers-
3 Canal Street ferry.

4 Section 2(A). R.S. 48:196(A)(introductory paragraph), as amended by Act No. 865
5 of the 2012 Regular Legislative Session, is hereby amended and reenacted to read as
6 follows:

7 §196. State Highway Improvement Fund

A. There is hereby created, as a special fund in the state treasury, the State Highway Improvement Fund, hereinafter referred to as the "fund". The source of monies in this fund shall be registration and license fees and taxes collected by the state pursuant to R.S. 47:462, and as provided in R.S. 47:481, in such amounts as remain after payment of amounts due on bonds and related expenses as provided in the documents pursuant to which the bonds were issued under the provisions of R.S. 48:196.1. Beginning July 1, 2007, and each fiscal year thereafter, after satisfaction of the requirements of the provisions of R.S. 48:196.1 and compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana, and after making the allocation for state highway fund No. 2, ~~and the Algiers-Canal Street Ferry Fund, and State Highway Fund No. 3,~~ the treasurer shall deposit into the fund the following amounts:

20 * * *

Section 2(B)(1). R.S. 48:196(A)(introductory paragraph), as amended by Act No.135
of the 2012 Regular Legislative Session, is hereby amended and reenacted to read as
follows:

24 §196. State Highway Improvement Fund

A. There is hereby created, as a special fund in the state treasury, the State Highway Improvement Fund, hereinafter referred to as the "fund". The source of monies in this fund shall be registration and license fees and taxes collected by the state pursuant to R.S. 47:462, and as provided in R.S. 47:481, in such amounts as remain after payment of amounts due on bonds and related expenses as provided in

1 the documents pursuant to which the bonds were issued under the provisions of R.S.
2 48:196.1. Beginning July 1, 2007, and each fiscal year thereafter, after satisfaction
3 of the requirements of the provisions of R.S. 48:196.1 and compliance with the
4 requirements of Article VII, Section 9(B) of the Constitution of Louisiana, and after
5 making the allocation for state highway fund No. 2, the Algiers-Canal Street Ferry
6 Fund, and State Highway Fund No. 3, the treasurer shall deposit into the fund the
7 following amounts:

8 * * *

9 (2) R.S. 48:196(A)(introductory paragraph), as amended and reenacted by this
10 Subsection, shall supercede R.S. 48:196(A)(introductory paragraph) as amended and
11 reenacted by Act No. 865 of the 2012 Regular Legislative Session.

12 Section 3. R.S. 48:197.1 is hereby enacted to read as follows:

13 §197.1. State Highway Fund No. 3

14 A. There is hereby created, as a special fund within the state treasury, the
15 "State Highway Fund No. 3". Beginning on July 1, 2013, and each fiscal year
16 thereafter, after compliance with the requirements of Article VII, Section 9(B) of the
17 Constitution of Louisiana, and after making the allocation for state highway fund No.
18 2, the treasurer shall deposit into the fund, fifty percent of all funds derived from the
19 collection of registration and license fees and taxes collected by the state pursuant
20 to R.S. 47:462, and as provided in R.S. 47:481, in the parishes of Jefferson, St. John
21 the Baptist, St. Charles, Tangipahoa, and St. Tammany.

22 B. The monies in the funds shall be subject to an annual appropriation by the
23 legislature and only used as provided in Subsection C of this Section. The monies
24 in the fund shall be invested by the treasurer in the same manner as the monies in the
25 state general fund, and all interest earned shall be deposited and credited to the
26 account. All unexpended or unencumbered monies remaining in the fund at the end
27 of the fiscal year shall remain to the credit of that fund.

28 C. Monies appropriated to the fund shall be used exclusively for the
29 following purposes:

1 (1) Sweeping of the Crescent City Connection Bridge at least twice a week.

2 (2) Cutting the grass along U.S. 90Z from Interstate 10 to U.S. 90 at least
3 twenty times a year.

4 (3) Litter collection on the Westbank Expressway at least one hundred times
5 a year from Terry Parkway to the Harvey Canal, at least twenty-six times a year from
6 Circle Drive West to Westward Drive, and at least twelve times a year from
7 Westward Drive to the intersection of U.S. 90.

8 (4) Ornamental lighting on the Crescent City Connection Bridge.

9 (5) Police functions on the Crescent City Connection Bridge, the Huey P.
10 Long Bridge; the Pontchartrain Expressway from the Crescent City Connection
11 Bridge to the Broad Street overpass in Orleans Parish; on the westbank of the
12 Mississippi River, in the area bounded on the north by General Meyer Avenue, on
13 the south by the Magellan Canal, on the west by Shirley Drive, and on the east by
14 Pace Boulevard; and on the Westbank Expressway, but not beyond the western most
15 convergence of the Westbank Expressway and U.S. 90.

16 D. No monies in the fund shall be used by any entity for any of the following
17 purposes:

18 (1) As part of the Transportation Trust Fund Regular.

19 (2) To fund operations of any office, section, division, or other entity under
20 the authority of a public entity for anything other than the purposes that this Section
21 authorizes.

22 (3) To finance, supplement, or in any manner fund any Louisiana
23 Transportation Authority project.

24 (4) To finance, supplement, or in any manner fund any other projects in the
25 state of Louisiana, particularly those contained in Part VI of Chapter 7 of Subtitle II
26 of this Title, the Transportation Infrastructure Model for Economic Development.

27 (5) To finance, supplement, or in any manner fund any ferry operated in the
28 state.

29 Section 4. R.S. 47:7018 is hereby repealed in its entirety.

1 Section 5. R.S. 48:197 is hereby repealed in its entirety.

2 Section 6. Sections 1(A) and 2(A) of this Act shall become effective upon the
3 promulgation of election results only if the election ordered by Judge William Morvant, to
4 be held on May 5, 2013, in the suit entitled "Michael J. Teachworth v. Bobby Jindal, in his
5 official capacity as Governor of Louisiana, and Tom Schedler, in his official capacity as the
6 Louisiana Secretary of State" bearing Number Case No. 617-828, Section "23" on the docket
7 of the Nineteenth Judicial District, parish of East Baton Rouge, state of Louisiana, results
8 in the collection of tolls on the Crescent City Connection.

9 Section 7. Section 1(B), 2(B), and 4 of this Act shall become effective upon the
10 promulgation of election results only if the election ordered by Judge William Morvant, to
11 be held on May 5, 2013, in the suit entitled "Michael J. Teachworth v. Bobby Jindal, in his
12 official capacity as Governor of Louisiana, and Tom Schedler, in his official capacity as the
13 Louisiana Secretary of State" bearing Number Case No. 617-828, Section "23" on the docket
14 of the Nineteenth Judicial District, parish of East Baton Rouge, state of Louisiana, does not
15 result in the collection of tolls on the Crescent City Connection.

16 Section 8. Sections 3 and 5 of this Act shall become effective on July 1, 2013.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Leopold

HB No. 619

Abstract: Provides for the dedication of a portion of truck and trailer taxes and fees collected in the parishes of Jefferson, Orleans, St. John the Baptist, St. Charles, Tangipahoa, and St. Tammany.

Present law (R.S. 48:197) provides that beginning Jan. 1, 2013, and each fiscal year thereafter, after compliance with the requirements of Article VII, Section 9(B) of the Constitution of La., and after making the allocation for state highway fund No. 2, the treasurer shall deposit into the Transportation Trust Fund 50% of all funds derived from the collection of registration and license fees and taxes collected by the state pursuant to R.S. 47:462 (truck and trailer registration), and as provided in R.S. 47:481, in the parishes of Orleans, Jefferson, St. John the Baptist, St. Charles, Tangipahoa, and St. Tammany.

Proposed law repeals present law.

Present law (R.S. 47:7018) provides that beginning Jan. 1, 2013, after compliance with the requirements of Article VII, Section 9(B) of the Constitution of La., and after making the allocation for state highway fund No. 2, all funds derived from the collection of registration

and license fees and taxes collected by the state in Orleans Parish pursuant in to R.S. 47:462 (truck and trailer registration), and as provided in R.S. 47:481, shall be deposited into the Algiers-Canal Street Ferry Fund. Present law is only effective if the election called to determine whether or not tolls are collected on the Crescent City Connection results in the collection of tolls.

Proposed law retains present law if tolls are collected on the Crescent City Connection and repeals present law if tolls are not collected on the Crescent City Connection.

Proposed law (R.S. 47:7018.1) provides that beginning July 1, 2013, after compliance with the requirements of Article VII, Section 9(B) of the Constitution of La., and after making the allocation for state highway fund No. 2, all funds derived from the collection of registration and license fees and taxes collected by the state in Orleans Parish pursuant in to R.S. 47:462 (truck and trailer registration), and as provided in R.S. 47:481, shall be deposited into the Algiers-Canal Street Ferry Fund. Proposed law is only effective if the election called to determine whether or not tolls are collected on the Crescent City Connection does not result in the collection of tolls.

Proposed law (R.S. 48:197.1) creates as a special fund within the state treasury, the "State Highway Fund No. 3". Proposed law provides that beginning on July 1, 2013, and each fiscal year thereafter, after compliance with the requirements of Article VII, Section 9(B) of the Constitution of La., and after making the allocation for state highway fund No. 2, the treasurer shall deposit into the fund 50% of all funds derived from the collection of registration and license fees and taxes collected by the state pursuant to R.S. 47:462 (truck and trailer registration fees and taxes), and as provided in R.S. 47:481, in the parishes of Jefferson, St. John the Baptist, St. Charles, Tangipahoa, and St. Tammany.

Proposed law provides that the monies in State Highway Fund No. 3 shall be subject to an annual appropriation by the legislature and used exclusively for the following purposes:

- (1) Sweeping of the Crescent City Connection Bridge at least twice a week.
- (2) Cutting the grass along U.S. 90Z from Interstate 10 to U.S. 90 at least 20 times a year.
- (3) Litter collection on the Westbank Expressway at least 100 times a year from Terry Parkway to the Harvey Canal, at least 26 times a year from Circle Drive West to Westward Drive, and at least 12 times a year from Westward Drive to the intersection of U.S. 90.
- (4) Ornamental lighting on the Crescent City Connection Bridge.
- (5) Police functions on the Crescent City Connection Bridge, the Huey P. Long Bridge; the Pontchartrain Expressway from the Crescent City Connection Bridge to the Broad Street overpass in Orleans Parish; on the westbank of the Mississippi River, in the area bounded on the north by General Meyer Avenue, on the south by the Magellan Canal, on the west by Shirley Drive, and on the east by Pace Boulevard; and, on the Westbank Expressway, but not beyond the western most convergence of the Westbank Expressway and U.S. 90.

Proposed law provides that no monies in the proposed Highway Fund No. 3 shall be used by any entity for any of the following purposes:

- (1) As part of the Transportation Trust Fund Regular.
- (2) To fund operations of any office, section, division, or other entity under the authority of any public entity for anything other than the purposes which this Act authorizes.

- (3) To finance, supplement, or in any manner fund any La. Transportation Authority project.
- (4) To finance, supplement, or in any manner fund any other projects in the state of La., particularly those contained in provisions of law providing for the Transportation Infrastructure Model for Economic Development.
- (5) To finance, supplement, or in any manner fund any ferry operated in the state.

Proposed law provides for special effective dates, to provide for effectiveness of provisions depending upon the results of the May 5, 2013, election regarding Crescent City Collection tolls.

(Amends R.S. 47:481 and R.S. 48:196(A)(intro. para.); Adds R.S. 47:7018.1 and R.S. 48:197.1; Repeals R.S. 47:7018 and R.S. 48:197)